

ARTICLE 4. GENERAL DEVELOPMENT DISTRICTS

Section 4.06 Lakeshore One (LS1)

4.06.A **Purpose.** To regulate the use and development of lakefront property primarily for recreation, tourism and entertainment purposes in a manner that:

1. Protects and enhances water quality;
2. Mitigates flood hazards;
3. Preserves and expands public access;
4. Maintains and improves views of the lake from public vantage points;
5. Maintains and improves views of the shoreline from the lake;
6. Is oriented primarily to boater, pedestrian and bicycle traffic and secondarily to vehicular traffic;
7. Promotes “greening” of shorelines, lot frontages and parking areas;
8. Decreases the amount of impervious surface and associated stormwater runoff; and
9. Reduces the quantity and improves the quality of stormwater flowing into surface waters.

4.06.B **Permitted Uses.** Those uses listed below and accessory uses to those uses. Any uses not listed below are prohibited. Items that are not customary as accessory uses to those listed below are prohibited.

1. Outdoor recreational facilities – privately owned (6.210)
2. Outdoor recreational facilities – publicly owned (6.220)
3. Open air markets (6.250)
4. Marinas and yacht clubs (6.271)
5. Residential marine associations (6.272)
6. Community center (11.520)

4.06.C **Conditional Uses.** Those uses listed below and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed below are prohibited. Items that are not customary as accessory uses to those listed below are prohibited.

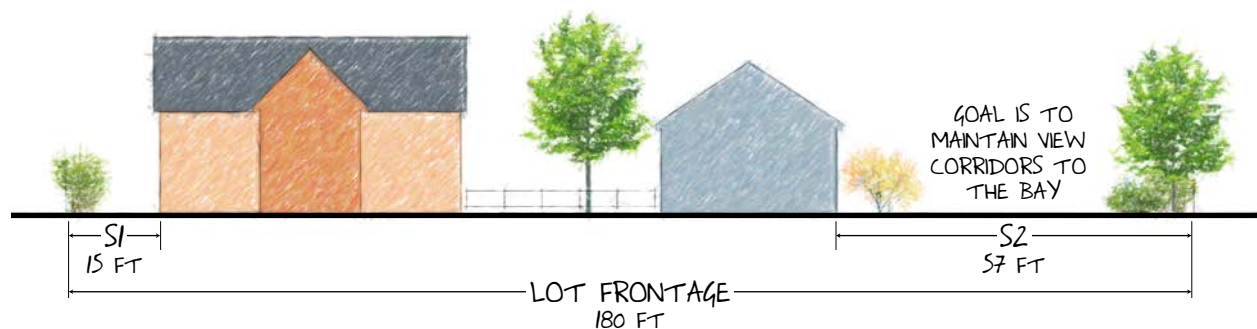
1. Single-family dwelling (1.100)
2. Two-family dwelling (1.200)
3. Bed & breakfast (1.520)
4. Inn (1.550)
5. Artist production studio (3.250)
6. Social clubs (5.500)
7. Event facility (6.150)
8. Standard restaurant with outdoor seating (8.111)
9. Essential service facility (11.900)

- 4.06.D Conditional Uses – Mixed-Use Marina.** The Development Review Board may approve those uses listed below pursuant to Article 8 as part of a mixed-use development that includes a lawful marina.
1. Retail sales (2.131)
 2. Small equipment sales with associated repair (2.171)
 3. Marine sales without associated service & repair (2.310)
 4. Marine sales with associated service & repair (2.320)
 5. Marine rental (2.640)
 6. Bars (8.200)
 7. Marine storage – unenclosed (9.240)
- 4.06.E Area, Density, and Dimensional Requirements.** In the LS1 District, all requirements of this Section 4.06 and the standards below shall apply.
- | | |
|-------------------------------|---|
| 1. Minimum lot size | 30,000 sf for nonresidential uses
30,000 sf per dwelling unit for residential uses |
| 2. Minimum lot frontage | 120 ft |
| 3. Minimum front yard setback | 15 ft |
| 4. Minimum side yard setback | 15 ft each and 40% of lot width combined (see Figure 1) |
| 5. Minimum rear yard setback | 15 ft |
| 6. Maximum lot coverage | 40% |
| 7. Maximum building height | 20 ft (see Notes 1 and 2 below) |
| 8. Maximum building footprint | 3,000 sf (see Note 2 below) |

NOTE 1. Building height will be measured from the highest finished grade level at the building perimeter to the eave except if the highest finished grade is raised more than 5 feet above its predevelopment level, the maximum height will be measured from the average finished grade level at the building perimeter. See Figure 2, below.

NOTE 2. The Development Review Board may waive or modify the maximum building height and/or footprint for landmark buildings intended primarily for public use.

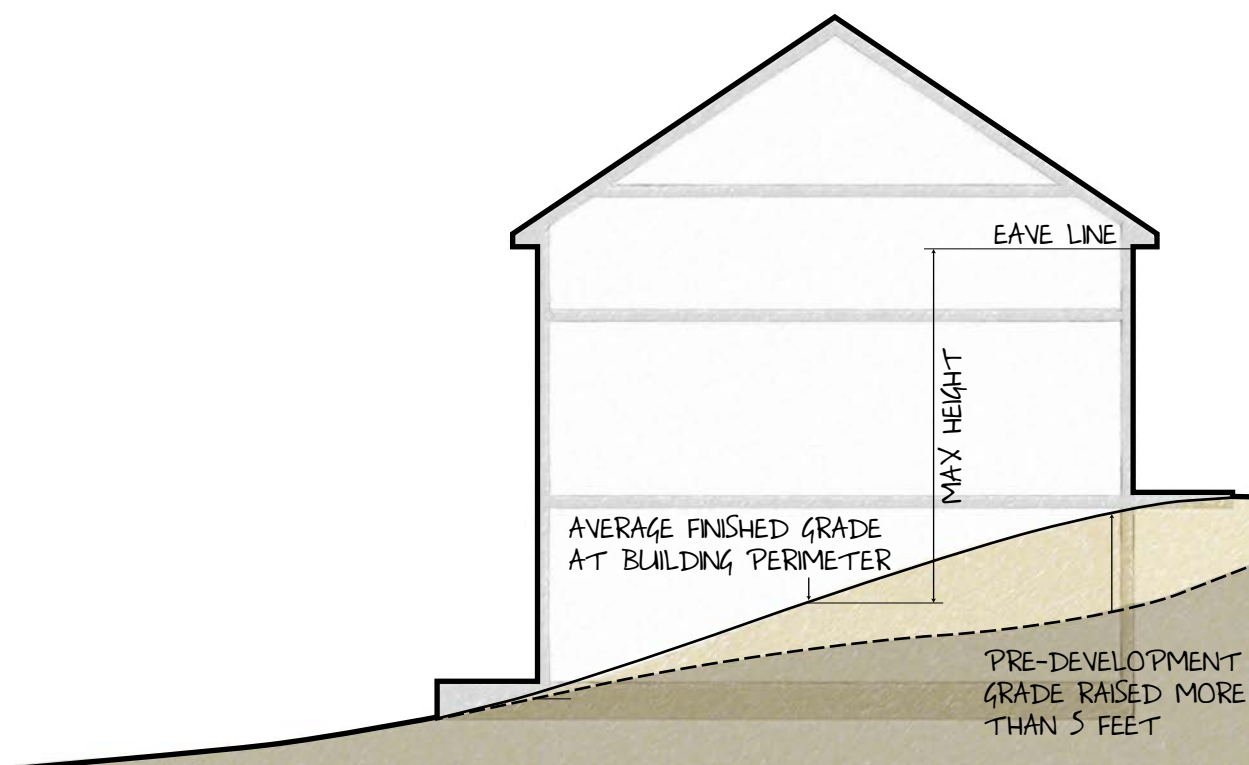
FIGURE 1. Side Setbacks.



SIDE SETBACKS MUST BE AT LEAST 15 FEET
S1 + S2 MUST BE AT LEAST 40% OF LOT WIDTH
 $15 + 57 = 180 \times 40\%$



Figure 2. Building Height. To encourage new buildings that are fit into the existing terrain, maximum building height will be measured from the highest finished grade at the building perimeter rather than average finished grade as shown above. If the pre-development grade will be raised more than 5 feet, the maximum building height will be measured from the average finished grade as shown below.



Section 4.07 Lakeshore 2 (LS2)

4.07.A **Purpose.** To foster the development of a small-scale, mixed-use village center on Malletts Bay that will offer residents and visitors access to recreation and entertainment opportunities, community-serving businesses, marine services, and lodging and dining options in a manner that:

1. Protects and enhances water quality;
2. Mitigates flood hazards
3. Maintains and improves views of the lake from public vantage points;
4. Is oriented primarily to pedestrian and bicycle traffic and secondarily to vehicular traffic;
5. Promotes “greening” of lot frontages and parking areas;
6. Decreases the amount of impervious surface and associated stormwater runoff; and
7. Reduces the quantity and improves the quality of stormwater flowing into surface waters.

4.07.B **Permitted Uses.** Those uses listed below and accessory uses to those uses. Any uses not listed below are prohibited. Items that are not customary as accessory uses to those listed below are prohibited. Any use that will generate more than 25 p.m. new peak trips at the Lakeshore Drive – Blakely Road intersection will require conditional use approval pursuant to Article 8 and the applicant must submit a traffic study.

1. Single-family dwelling (1.100)
2. Two-family dwelling (1.200)
3. Bed & breakfast (1.520)
4. Inn, up to 10 rooms (1.550)
5. Home occupation (1.710)
6. Retail sales (2.131)
7. Retail food establishment (2.141)
8. Marine sales without associated service & repair (2.310)
9. Marine rental (2.640)
10. General office (3.110)
11. Bank without drive-up windows (3.232)
12. Personal or business service (3.240)
13. Artist production studio (3.250)
14. Religious use (5.200)
15. Cultural facility (5.400)
16. Social clubs (5.500)
17. Event facility (6.150)
18. Outdoor recreational facility – privately owned (6.210)

19. Outdoor recreational facility – publicly owned (6.220)
 20. Open air markets (6.250)
 21. Marinas and yacht clubs (6.271)
 22. Residential marine associations (6.272)
 23. Home-based day care facility (7.600)
 24. Intermediate day care facility (7.700)
 25. Standard restaurant with outdoor seating (8.111)
 26. Community center (11.520)
 27. Neighborhood essential service facility (11.910)
 28. Temporary structures (13.000)
 29. Planned unit development (14.000)
- 4.07.C **Conditional Uses.** Those uses listed below and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed below are prohibited. Items that are not customary as accessory uses to those listed below are prohibited.
1. Multi-family dwelling (1.300)
 2. Hotel & motel (1.530)
 3. Inn, more than 10 rooms (1.550)
 4. Campground (1.560)
 5. Home business (1.720)
 6. Marine sales with associated service & repair (2.320)
 7. Laundromat (3.280)
 8. Small equipment repair (4.131)
 9. Enclosed manufacturing & processing (4.140)
 10. School (5.100)
 11. Athletic facility – indoor (6.110)
 12. Movie theater (6.121)
 13. Theater & music hall (6.131)
 14. Large day care facility (7.800)
 15. Standard restaurant without outdoor seating (8.112)
 16. Short order restaurant without drive-up service (8.121)
 17. Bars (8.200)
 18. Seasonal mobile food units (8.400)
 19. Parking garages and lots (9.100)
 20. Marine storage – unenclosed (9.240)

21. Community or regional essential service facility (11.920)

4.07.D **Area, Density, and Dimensional Requirements.** In the LS2 District, all requirements of this Section 4.07 and the standards below shall apply.

1. Minimum lot size 15,000 sf
2. Minimum lot frontage 100 ft
3. Minimum front yard setback 20 ft (see Note 1)
4. Minimum side yard setback 15 ft
5. Minimum rear yard setback 15 ft
6. Maximum lot coverage 40%
7. Maximum building height 30 ft for buildings within 200 of West Lakeshore Drive
40 ft for buildings more than 200 ft from West Lakeshore Drive
(see Note 2)
8. Maximum building footprint 4,500 sf for any building within 200 ft of West Lakeshore Drive
6,000 sf for any building more than 200 ft but within 400 ft of West Lakeshore Drive
No maximum footprint for buildings more than 400 ft from West Lakeshore Drive
(see Note 2)

NOTE 1. Notwithstanding of the requirements of Section 2.05, land within the front yard setback may be used for green stormwater infrastructure and outdoor dining or seating areas provided that at least 30% of the area is landscaped in accordance with Subsection 7.08.F.

NOTE 2. The Development Review Board may waive or modify the maximum building height and/or footprint for landmark buildings intended primarily for public use.

ARTICLE 7. OVERLAY DISTRICTS

Section 7.08 Malletts Bay Village District

7.08.A **Purpose.** This section is intended to promote high quality land development that furthers community goals for Malletts Bay village as a small-scale, mixed-use village center on Lake Champlain that will offer residents and visitors access to recreation and entertainment opportunities, community-serving businesses, marine services, and lodging and dining options in accordance with the following principles:

1. Land use and development should be designed and oriented primarily to pedestrian, bicycle and boater traffic, and secondarily to vehicular traffic.
2. Building scale, massing and form should be compatible with Vermont vernacular architecture, and corporate or franchise architecture should be avoided.
3. Buildings should be sited and designed, and exterior materials and colors selected, so that new development fits harmoniously into the surrounding natural and built environment (particularly as viewed from the lake and street).
4. Parking, utilities, service functions and outdoor use areas should be located, designed and screened to minimize adverse visual impacts (particularly as viewed from the lake and street), and to maintain or improve views of the lake from East and West Lakeshore Drive.
5. Lot frontages, shorelines and parking areas should feature a high percentage of green space that serves to enhance aesthetics (particularly as viewed from the lake and from the street) and to improve water quality through the appropriate use of green stormwater infrastructure practices.

7.08.B **Applicability.** Proposed land development within the Malletts Bay Village overlay district that meets any of the criteria below shall conform to the standards of this section:

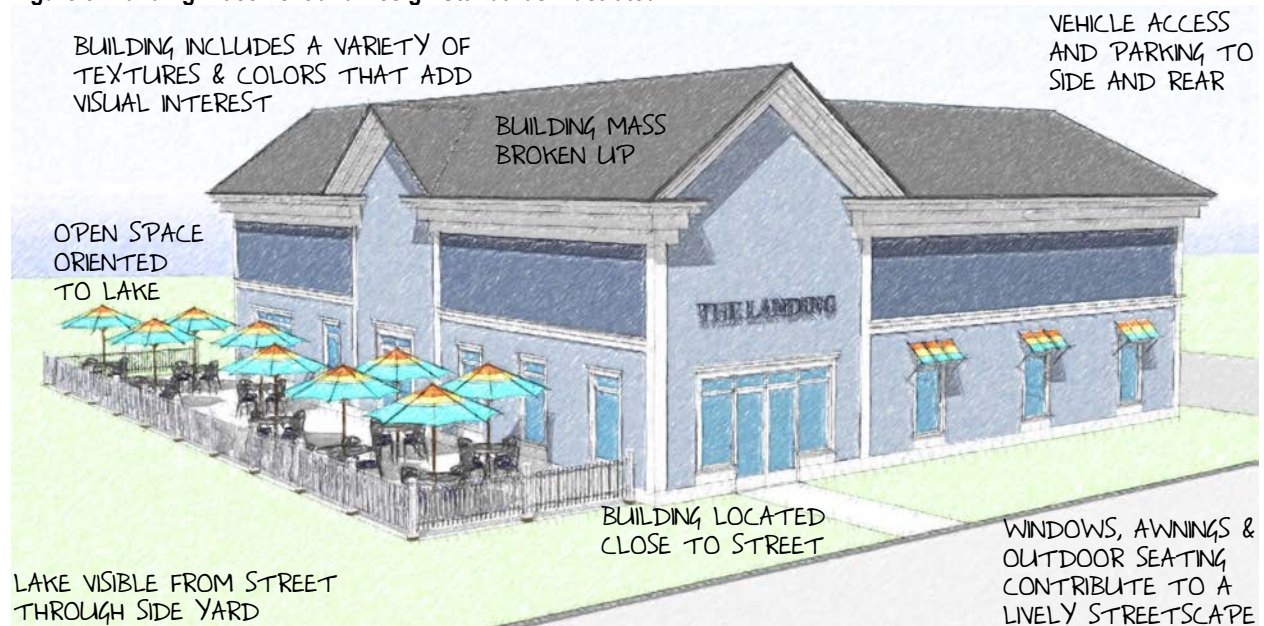
1. Construction (including replacement) of a new principal building, other than a single- or two-family dwelling in the Lakeshore 2 district.
2. Increasing the footprint of an existing principal building by more than 25% over a 5-year period, other than a single- or two-family dwelling in the Lakeshore 2 district.
3. Increasing the amount of impervious surface on a lot by 1,000 square feet or more over a 5-year period.
4. Disturbing 1,000 square feet or more of soil on a lot over a 5-year period.
5. All land development within the Flood Plain district.
6. Any expansion or intensification of a nonconformity.

7.08.C **Building Placement and Design Standards.** Applicants shall submit a site plan and elevation drawings for new or expanded principal buildings to demonstrate that:

1. Buildings will be designed and located to fit into the natural terrain and to minimize any change in grade on the site to the maximum extent feasible.
2. In the Lakeshore 1 district, buildings will be located near the street with open space oriented to the lake to the maximum extent feasible.

3. In the Lakeshore 1 district, proposed land development will be located and designed to provide views of the lake from the street.
4. On waterfront lots, the street-facing and lake-facing facades of buildings will be comparable in design and appearance, exterior materials and finishes, and amenities.
5. The building's scale, massing and form will be compatible with the planned character of the district.
6. The mass of large buildings will be broken up by incorporating visible changes in wall plane and roof form.
7. The building facade will include elements such as porches, awnings, windows, outdoor seating, landscaping and/or similar features that will add visual interest and contribute to creating a pedestrian-oriented environment.
8. The building will incorporate different exterior textures, colors and materials that add visual interest while remaining compatible with the planned character of the district.

Figure 3. Building Placement and Design Standards Illustrated



7.08.D Standards for Vehicle Use and Parking Areas. Applicants shall submit a site plan to demonstrate that:

1. The width of streets and driveways will be the minimum necessary to provide safe access to the site.
2. The site area devoted to parking will be the minimum necessary to serve the anticipated use. If the site will provide more than the minimum amount of parking required by Table 10-2, the applicant shall submit a professionally prepared parking study demonstrating a need for the additional spaces.
3. All new vehicle use and parking areas will be located to the side or rear of principal buildings. Applicants are strongly encouraged to relocate or remove pre-existing parking areas located between the building and the street to the maximum extent feasible.

4. Any new vehicle or service entrances will be located to the side or rear of principal buildings and will be screened as viewed from the lake and the street.

7.08.E Standards for Utilities and Service Functions. Applicants shall submit a site plan to demonstrate that:

1. Any new trash storage, building equipment, utilities or similar service functions will be located to the side or rear of principal buildings and will be screened as viewed from the lake and the street.

7.08.F Standards for Storage Areas and Structures. Applicants shall submit a site plan to demonstrate that:

1. All new or expanded storage areas and structures that are not fully enclosed will be located outside required setbacks. Applicants are strongly encouraged to relocate or remove pre-existing storage areas located between the building and the street to the maximum extent feasible.
2. All new or expanded outdoor storage areas will be screened as viewed from the lake and the street with a combination of fencing and landscaping.
3. All new or expanded storage structures that are not fully enclosed will have any open sides that face the street or lake screened from view with a combination of fencing and landscaping.

7.08.G Landscaping and Green Stormwater Infrastructure Standards. Applicants shall submit coordinated planting and stormwater management plans as follows:

1. The planting plan shall be prepared by a licensed landscape architect, certified horticulturalist or ecologist. The stormwater management plan shall be prepared by a licensed landscape architect or professional engineer.
2. All plant materials shall conform to the specifications below:

PLANT MATERIAL	MINIMUM CALIPER (AT PLANTING)	MINIMUM HEIGHT (AT PLANTING)	MINIMUM ROOTABLE SOIL VOLUME ¹	MATURE OR MAINTAINED HEIGHT
Large Tree	2.5 inches for single-trunk trees (measured at 6 in above grade)	6 ft for multi-trunk trees	1,000 cubic ft	≥50 ft
Medium Tree			600 cubic ft	30 to <50 ft
Small Tree			200 cubic ft	<30 ft
Large Shrub	–	30 inches	100 cubic ft	≥6 ft
Medium Shrub	–	18 inches	40 cubic ft	3 to <6 ft
Small Shrub	–	12 inches	20 cubic ft	<3 ft

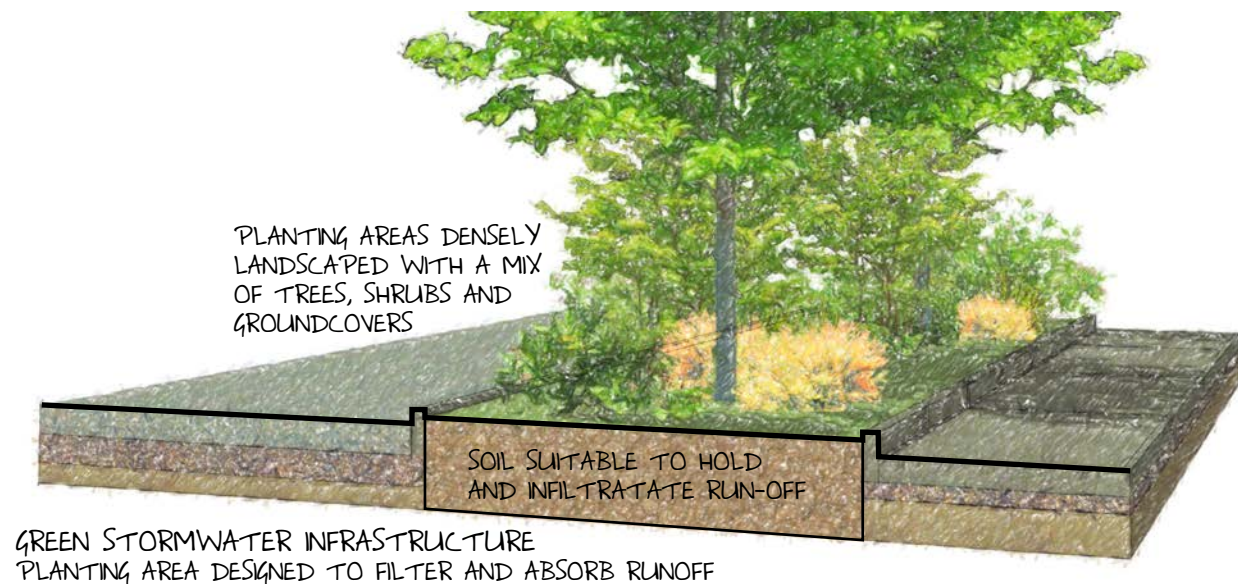
¹ Soil must be within 3 feet of the ground surface to count towards minimum rootable soil volume. If the minimum soils volume cannot be achieved due to site conditions, the applicant shall select plant material that is appropriate to the available rootable soil volume. In planting arrangements that allow multiple plants to share rooting space, the minimum rootable soil volume per plant may be reduced by 25%.

3. Applicants shall:
 - (a) Establish or maintain at least 30% of the area within the front yard setback as pervious landscaped areas. The Development Review Board may waive or modify this requirement on previously developed sites in accordance with Subsection 7.08.I.
 - (b) Establish or maintain at least 40% of the area within any rear setback abutting the lake as pervious landscaped areas. The Development Review Board may waive or modify this requirement on previously developed sites in accordance with Subsection 7.08.H or Subsection 7.08.I.
 - (c) Include a variety of primarily native plant materials informally arranged in naturalistic groupings within landscaped areas.
 - (d) Stockpile and restore topsoil removed or disturbed during construction, and repair any soil compaction within pervious areas of the site in accordance with the Vermont Department of Environmental Conservation Stormwater Program's guidance.
4. Applicants shall utilize landscaped areas for green stormwater infrastructure practices to the maximum extent feasible given a site's soil and slope conditions by:
 - (a) Directing stormwater from on-site impervious streets, parking areas, sidewalks and walkways to landscaped areas or green stormwater infrastructure practices in order to promote on-site water retention and filtration.
 - (b) Identifying soils on the site that are well suited for infiltration with an infiltration rate of 0.5 inches per hour or greater, and using them to the maximum extent feasible to infiltrate stormwater.
 - (c) Routing stormwater runoff from impervious surfaces through appropriate green stormwater infrastructure practices based on soils, precipitation, flow, and the hydrologic and geologic conditions of the site.
 - (d) Capturing 90% of annual storm events, or the first inch of rainfall from impervious surfaces on the site using green stormwater infrastructure practices.
 - (e) Mimicking pre-development drainage patterns to the greatest extent feasible, especially with regard to where stormwater leaves the site, unless those existing drainage patterns already contribute to stormwater runoff-related impacts.
 - (f) Improving upon, rather than mimicking, pre-development drainage conditions if those conditions already contribute to stormwater runoff impacts.
5. Applicants shall demonstrate that:
 - (a) Off-site drainage areas will not be overwhelmed during larger storm events (i.e., up to and including a 100-year storm) in the post-development condition to a greater extent than in pre-development conditions.
 - (b) Off-site areas, including the area between identifiable stormwater discharge points from the site and the shore of Malletts Bay, will not be subject to increased erosion during a 1-year and 10-year storm event, and will not otherwise be adversely impacted during a 10-year and a 100-year storm event.
 - (c) All stormwater management facilities on the site will be properly maintained. The applicant must submit and adhere to a maintenance and repair plan consistent with the requirements of Colchester Town Ordinance Section 18-37(b)(6).

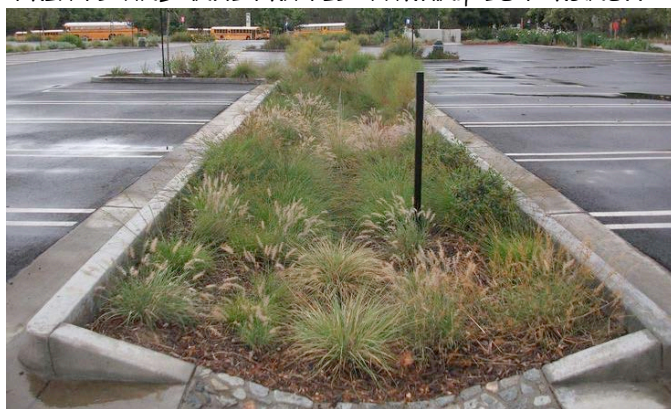
6. Applicants shall:
 - (a) Screen new or expanded vehicular use, parking, service and storage areas and facilities as viewed from the lake and street with landscaped areas.
 - (b) Screen existing vehicular use, parking, service and storage areas and facilities as viewed from the lake and street with landscaped areas to the maximum extent feasible.
 - (c) Make at least 20% of the area within any new or expanded parking area with more than 10 parking spaces permeable. The permeable area should primarily be landscaped green space. Periodic, seasonal or lightly used parking spaces surfaced with permeable materials that conform to the Vermont Department of Environmental Conservation Stormwater Program's guidance on pervious paving may account for not more than 30% of this requirement. A performance goal of "net zero stormwater runoff" for parking areas is strongly encouraged.
 - (d) Plant or preserve one tree for each 5 parking spaces within any new or expanded parking area with more than 10 parking spaces.
- 7.08.H **Lot Coverage.** The Development Review Board may approve proposed land development that results in a lot coverage not to exceed a 25% increase beyond the lot coverage that existed on [DATE] or 80% of the total lot area, whichever is less, if the applicant submits a Performance Standards Score Sheet demonstrating that the proposed land development will achieve a score of [X] or higher.
- 7.08.I **Nonconforming Uses or Structures.** The Development Review Board may approve proposed land development involving a nonconformity as specified below if the applicant submits a Performance Standards Score Sheet demonstrating that the proposed land development will achieve a score of [X] or higher.
 1. A substantial improvement to a nonconforming structure.
 2. An increase in the floor area occupied by a pre-existing nonconforming use within a portion of a building up to full occupancy of the entire building.
 3. An increase in the floor area occupied by a pre-existing nonconforming use through a conforming addition to the building not to exceed a 25% increase beyond the floor area that existing on [DATE].
 4. Retention and/or rehabilitation of pre-existing nonconforming vehicle use or parking areas within setbacks upon the applicant adequately demonstrating a need for the spaces and that it cannot reasonably be relocated elsewhere on the property.
 5. Retention and/or rehabilitation of pre-existing nonconforming storage areas within setbacks upon the applicant adequately demonstrating a need for the storage and that the storage cannot reasonably be relocated elsewhere on the property.
- 7.08.J **Shoreline Development.** The Development Review Board may approve proposed land development that establishes or expands water-dependent structures or uses and/or outdoor use areas along the lakeshore as specified below if the applicant submits a Performance Standards Score Sheet demonstrating that the proposed land development will achieve a score of [X] or higher.

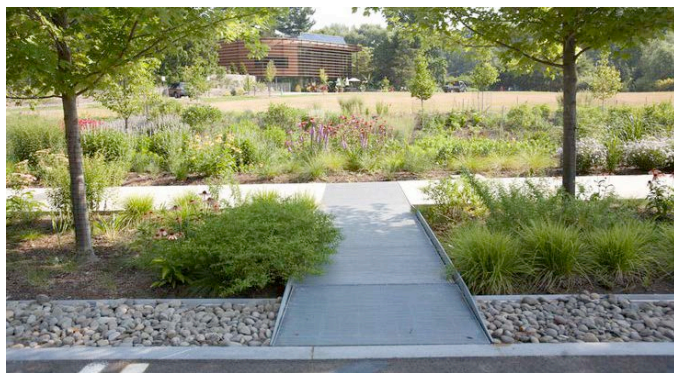
1. The development of decks, patios, boardwalks and similar structures intended to allow people to enjoy visual or physical access to the water located within required setbacks.
 2. The development of marine or recreation facilities and amenities located within required setbacks.
- 7.08.K **Development with the Flood Plain District.** The Development Review Board may approve land development within the Flood Plain District if all buildings will be floodproofed as required in accordance the National Flood Insurance Program (see Section 6.03) and if the applicant submits a Performance Standards Score Sheet demonstrating that the proposed land development will achieve a score of [X] or higher.

Figure 4. Green Stormwater Infrastructure Practices Illustrated

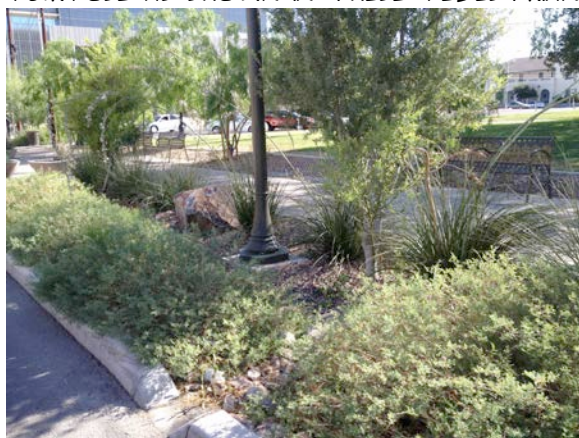


GREEN STORMWATER INFRASTRUCTURE COLLECTS, TREATS AND INFILTRATES PARKING LOT RUNOFF





GREEN STORMWATER INFRASTRUCTURE CAN SERVE BOTH A FUNCTIONAL AND AESTHETIC PURPOSE AS SHOWN IN THESE PEDESTRIAN AREAS



BIORETENTION FACILITIES AND SUBSURFACE INFILTRATION CAN BE USED WHERE SOILS ARE NOT SUITABLE FOR INFILTRATION

ARTICLE 12. DEFINITIONS

Section 12.02 Specific Definitions

EVENT FACILITY: A facility that primarily functions to host business or social gatherings that typically consists of one or more multi-purpose meeting rooms, kitchen facilities and/or recreational facilities that are available for use by various private groups for conferences, meetings, parties, weddings, receptions, reunions and similar group functions.

GREEN STORMWATER INFRASTRUCTURE: Stormwater management systems and practices that restore and maintain natural hydrologic processes in order to reduce the volume and water quality impacts of the built environment while providing multiple societal benefits.

GREENING: Retrofitting previously developed sites to improve their environmental and aesthetic performance by introducing green space, infrastructure and buildings through measures such as providing generous landscaped areas with good quality soil, planting trees, managing stormwater on-site, reducing the urban heat island effect, enhancing pedestrian and bicycle circulation, and using sustainable materials and technologies.

APPENDIX. LAKESHORE DISTRICTS PERFORMANCE STANDARDS SCORE SHEET

Instructions for completing the score sheet.

- A-1.** Soils that infiltrate less than 0.5 inches per hour will be considered partially suited for infiltration.
- A-2.** Soils that infiltrate 0.5 inches per hour or more will be considered well suited for infiltration.
- B.** Plant materials counted in this section must meet the minimum planting specifications in Subsection 7.08.G, including the minimum rootable soil volume.
- C-1.** Soils that infiltrate less than 0.5 inches per hour will be considered partially suited for infiltration.
- C-2.** Soils that infiltrate 0.5 inches per hour or more will be considered well suited for infiltration.